

 <p>Rainy River District Social Services Administration Board</p>	<b>SECTION:</b> Human Resources
	<b>POLICY TITLE:</b> Workplace Discrimination & Harassment
<b>ORIGINAL DATE:</b> May 20, 1999	<b>POLICY AREA:</b> Employee Relations
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## Policy Statement

The Rainy River District Social Services Administration Board is committed to fostering and sustaining an inclusive, diverse, equitable and accessible workplace that is respectful and free from discrimination and harassment, including sexual harassment. The Policy of the RRDSSAB is to take every reasonable step to:

- Cultivate and sustain a supportive work culture;
- Prevent workplace discrimination and harassment and promote awareness of rights and responsibilities;
- Identify and eliminate workplace discrimination and harassment in a timely manner; and
- Improve and/or restore work environments and work relationships affected by incidents or allegations of discrimination or harassment.

## Purpose

The purpose of this policy is to:

- Establish a framework for the prevention of workplace discrimination and harassment and effective response to issues of workplace discrimination and harassment; and
- Provide direction to staff and managers on compliance with statutory requirements for human rights and health and safety regarding workplace discrimination and harassment

## Application & Scope

This policy applies to the:

- RRDSSAB Directors of Corporation;
- All employees directly or indirectly employed by the RRDSSAB;

- Members of the public, including visitors to RRDSSAB facilities or individuals conducting business with the RRDSSAB and other members of the public.

This policy also applies to work-related activities or events that occur outside of normal business hours or off business premises and includes, but is not limited to: the actual work site (the office), outside the office, at office-related social and training functions, at work assignments outside the office, in work-related conferences or training sessions and during work-related travel.

This Policy covers discrimination, harassment, workplace harassment and sexual harassment as prohibited under the Ontario Human Rights Code (OHRC), the Occupational Health & Safety Act (OHS Act) and the Sexual Violence and Harassment Action Plan Act (Bill 132).

### **Definition of Discrimination**

For the purposes of this policy, discrimination means any practice or behaviour, whether intentional or not, which has a negative impact on an individual or group based on one or more of the prohibited grounds under the Code, except when the conduct is permitted under the Code. Discrimination may arise due to unequal treatment or from the same treatment which has an unequal effect on an individual or group protected from discrimination under the Code.

### **Definition of Harassment**

For the purposes of this policy, harassment means engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome.

### **Definition of Workplace Harassment**

For the purposes of this policy, workplace harassment means:

- a) engaging in a course of vexatious comment or conduct against a worker in the workplace that is known or ought reasonably to be known to be unwelcome; or
- b) workplace sexual harassment.

### **Definition of Workplace Sexual Harassment**

For the purposes of this policy, workplace sexual harassment means:

- a) engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender

expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome; or

- b) making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

## **Principles**

- The RRDSSAB is committed to an inclusive, diverse, equitable and accessible work environment and will not tolerate workplace discrimination or harassment.
- Every employee has the right to work in an inclusive, respectful workplace free of discrimination and harassment.
- The legitimate and appropriate exercise of managerial authority in HR matters (including performance management) is not harassment.
- All employees are responsible for respecting the dignity and rights of co-workers and the public they serve.
- The prevention of discrimination and harassment is an integral part of all workplace activities, and a shared responsibility requiring cooperation between the employer, employees, and bargaining agents.
- Effective education and training about rights and responsibilities under this policy are required to fulfill obligations under statute and policy.
- All allegations of discrimination and harassment are treated seriously and handled on a confidential basis in accordance with this policy and applicable law with an aim to preserve the dignity, self-respect and rights of all parties.
- Responses to discrimination and harassment:
  - Are provided in a timely manner;
  - Correct identified problems;
  - Restore positive and productive work environments;
  - Prevent future violations of this policy; and
  - Hold accountable those who fail to abide by this policy.
- The needs of persons with disabilities are accommodated to enable full participation in prevention and resolution processes, in accordance with applicable statutes and policies.
- Policy enforcement adheres to the principles of procedural fairness and progressive discipline. Disciplinary decisions are consistent, fair and consider mitigating circumstances.

## Policy Violations

Engaging in workplace discrimination or harassment, as defined above, is a violation of this policy. Policy violations also include, but are not limited to, engagement in the following discriminatory and harassing behaviours and practices:

- Discrimination or harassment in any aspect of employment, which may include, but is not limited to, recruitment, selection, promotion, learning and development, performance management, redeployment, layoff, pay and benefits, termination, job assignment, and granting leaves of absence;
- Workplace discrimination or harassment of an individual or group that occurs within the workplace or during work-related activities or events outside of the workplace;
- Workplace discrimination or harassment of an individual or group based on relationship, association or dealings with a person or group identified by prohibited ground under the Code, or because the individual or group is believed to be a member of a group covered under prohibited ground under the Code;
- Sexual harassment as outlined under the Code;
- Sexual solicitation and related reprisal as outlined under the Code;
- Sexual violence such as sexual assault, stalking, dating/domestic violence and other forms of sexual harassment that cross over into the workplace;
- Hate activity;
- Failure to offer effective or appropriate accommodation short of undue hardship in keeping with the Code and other applicable legislation;
- Creating, contributing to, or condoning a poisoned work environment (includes engaging in discrimination or harassment through the use of RRDSAB property such as information technology resources, and the public display of materials that create a negative, hostile or unpleasant workplace);
- Failure of Management, in keeping with its authority, to respond appropriately to information about discrimination, harassment or a poisoned work environment;
- Interference with an investigation, including intimidating a complainant, respondent or witness, or influencing a person to give false or misleading information;
- Threatening or retaliating against an employee or other worker for exercising a right under this policy, or against any other person who is performing a legitimate role under this policy (appropriate management response to an employee or other worker acting abusively or unacceptably is not considered to be retaliation contrary to this policy); and
- Frivolous or bad faith allegations, complaints, or accusations.

## **Prevention**

- The RRDSAB shall develop and maintain a corporate workplace discrimination and harassment prevention program that includes measures and procedures to implement this policy.
- Managers, employees and other workers must demonstrate standards of behaviour consistent with the principles outlined in this policy.
- Supervisor/Managers must complete education and/or training on the content of this policy and associated programs. Existing Supervisor/Managers must participate in education and/or training at least every three years. Newly appointed Supervisors/Managers must complete this education and/or training within six months of being assigned to a management position.
- Employees and other workers must complete education and/or training on the content of this policy and associated programs. New employees or workers must complete this education and/or training as part of orientation.
- Supervisor/Managers must integrate discrimination and harassment prevention responsibilities into employee performance commitments.
- Employees and other workers must immediately bring information about alleged criminal behaviour related to discrimination and harassment to the attention of senior management.
- Supervisors/Managers must ensure this policy is posted in a conspicuous place in the workplace.
- When appropriate, Supervisors/Managers must advise members of the public, including visitors to RRDSAB facilities or individuals conducting business with the RRDSAB that they are expected to refrain from discrimination or harassment of employees, other workers, and other members of the public.

## **Confidentiality and Privacy**

Following the resolution of alleged policy violations, all information must remain strictly confidential, subject to the rules below, except with sharing information required by Staff/Collective Agreements or by law.

Complainants, respondents, and witnesses must cooperate fully in the process and must have access to statements they have made and personal information that they have provided.

Respondents and complainants must have access to sufficient information about the allegations and responses of other parties and witnesses to allow effective participation in the process.

Personal information must only be collected, used or disclosed when the collection, use or disclosure is necessary to administer this policy. Personal information must be collected, used or disclosed in accordance with applicable legislation, policies or guidelines.

There must be no reference to a complaint under this policy in an employee's personnel file unless disciplinary action was taken against the employee. When disciplinary action has been taken, retention of information in the personnel file is subject to collective agreement and/or policy for retention periods.

### **Consequences for Policy Violation**

Employees, including Supervisor/Managers, found to have violated this policy may be subject to discipline up to and including dismissal. Supervisors/Managers who fail to take appropriate action to resolve complaints, or who fail to act appropriately on findings of discrimination or harassment, may be subject to discipline up to and including dismissal.

Supervisors/Managers must:

- Consider providing appropriate remedial education or training to employees who are found to have violated this policy;
- Monitor future behaviour within the scope of performance management.

Members of the public and individuals conducting business, who have been found to have violated this policy, may be subject to:

- Restricted access to a specific employee, provided an alternative is available;
- Access for service granted within a secure environment;
- Access for service provided by alternative means (i.e. telephone, fax, video conferencing);
- Restriction or barring of access to some or all, RRDSSAB properties by way of a Trespass to Property Notice, specific duration or for lifetime; and/or
- Termination of local services or contract.

Board members, who have been found to have violated this policy, may be subject to:

- A referral to the Ontario Human Rights Commission;
- Sanction(s) from the board;
- Being removed as the representative by the member municipality; and/or
- Restriction or barring of access to some or all, RRDSSAB properties by way of a Trespass to Property Notice, specific duration or for lifetime.

### **Timeframes**

Each timeframe outlined under this policy is considered to be the maximum time allowed for each activity. All parties involved in the resolution of discrimination or harassment issues or complaints, including managers, employees, and advisors are expected to make every effort to act as quickly as possible and to demonstrate full and complete cooperation in the resolution of issues or complaints.

All complaints under this policy must be reported within six months of the alleged incident.

When reporting a complaint, complainants must provide sufficient information to facilitate a preliminary assessment. Complaints with sufficient information will be assessed based on the information provided.

Every effort must be made to comply with the timeframes outlined in this policy. Timeframes, including those related to raising complaints under this policy, may be exceeded in extenuating circumstances. (eg. If warranted by the complexity of the case) without voiding the process.

### **Addressing Discrimination and Harassment Concerns**

Employees and other workers are encouraged, when possible, to tell alleged offenders about unwelcome conduct or actions perceived to be discriminatory or harassing and asking the alleged offender to stop.

Employees and other workers are encouraged to quickly notify the first level of management not involved in the complaint.

Complainants and respondents have the right to be accompanied by another person, or bargaining agent representative where applicable, during complaint resolution processes related to this policy.

Confidential counselling concerning discrimination or harassment issues must be made available to employees.

Supervisors/Managers and Human Resources must consult with the CAO or designate upon receipt of a complaint or becoming aware of a potential violation of this policy.

### **Management Response**

Supervisors/Managers must act immediately upon becoming aware of potential policy violations, whether or not a verbal or written complaint has been reported, including:

- Intervening to stop unacceptable behaviour;
- Contacting HR for advice and assistance and to initiate the completion of a preliminary assessment;
- Taking action to protect complainants who raise allegations, report complaints or report alleged incidents of discrimination or harassment;
- Facilitating the resolution of issues that arise by implementing appropriate and timely resolution mechanisms as described below; and

- Taking appropriate and timely remedial or disciplinary action to resolve the issue, when applicable.

Supervisors/Managers must make staff available at the earliest opportunity to participate in investigations and other complaint resolution mechanisms.

Senior Management must notify police and consult legal services, as required, when information is brought forward about discrimination or harassment that may constitute criminal behaviour.

Supervisors/Managers must declare any potential conflict of interest in relation to an alleged violation of this policy when they are, or may be perceived to be, either condoning or directly involved with an alleged violation. In such a case, the next level of management not involved in the complaint must assume responsibilities associated with a resolution.

During the resolution of discrimination or harassment issues, management must determine, in consultation with HR, OPP where appropriate, whether a complainant or respondent should be placed on a paid or unpaid leave, relocated within the organization, provided with an alternate reporting relationship, or whether other similar and appropriate action should be taken.

### **Reporting a Discrimination or Harassment Complaint**

1. Verbal or written complaints under this policy must be filed within six months of the alleged discrimination or harassment incident, and submitted to the next level manager not involved in the alleged incident or conduct.
2. The following details must be included in the complaint:
  - Name(s) of the complainant, respondent and witness (if any);
  - Date and location of the alleged incident or conduct;
  - Alleged policy violation including the identification of prohibited grounds(s);
  - Description of the of the event or situation giving rise to the complaint;
  - Description of other proceedings underway; and
  - Resolution sought.
3. Supervisors/Managers who are responsible for the work area referred to in the complaint must exercise authority to appropriately enforce the policy and manage the work environment when a complaint has been filed.



## **Preliminary Assessment**

A preliminary assessment must be completed by a Human Resource (HR) representative, and the next level manager not involved in the complaint within 15 working days of a complaint being filed or being advised of issues or allegations related to this policy. Every effort must be made to complete the preliminary assessment as quickly as possible.

Human Resources will recommend a resolution mechanism or other appropriate actions to the CAO or designate upon completion of the preliminary assessment. Resolution mechanisms include:

- Direct management action;
- Alternative dispute resolution (ADR); and/or
- Investigation

The CAO or designate must determine which resolution mechanism to pursue or another appropriate course of action, taking into consideration the recommendation from HR.

## **Resolution Mechanisms**

### **Direct Management Action**

When direct management action is determined by the CAO or designate to be the appropriate resolution mechanism, he or she must take appropriate actions to resolve the complaint or issue through appropriate action within 30 working days of the completion of the preliminary assessment. Direct management action may include remedial or disciplinary action in accordance with applicable policy and/or Staff or Collective Agreements.

Respondents must be given the opportunity to respond to allegations before remedial or disciplinary action is taken.

### **Alternative Dispute Resolution**

When Alternative Dispute Resolution (ADR) is determined by the CAO or designate to be the appropriate resolution mechanism as a result of the preliminary assessment, he or she must seek the agreement of the complainant and the respondent within five working days of the completion of the preliminary assessment.

ADR must only proceed with the expressed written agreement of the complainant, respondent and direct supervisor responsible for addressing the complaint.

The case must be assigned to an ADR resource within 15 working days of the parties agreeing to pursue ADR.

The ADR must be completed within 30 working days of the assignment of a complaint to an ADR resource.

When ADR is not effective or appropriate the CAO or designate must initiate an investigation or take direct management action to resolve the complaint.

### **Investigation**

Full and complete cooperation in the investigation of workplace discrimination or harassment is required when an internal or external investigation is determined by management to be the appropriate resolution mechanism as a result of the preliminary assessment.

An investigation must be assigned to an internal resource or external investigation within 15 working days of management's decision that a complaint will be investigated.

#### Internal investigation

An internal investigation must be completed within 60 working days of assigning a complaint to an internal resource, unless there are extenuating circumstances.

The CAO or designate responsible for deciding discipline resulting for internal investigations must decide on appropriate remedies, and notify the parties of the outcome of the internal investigation within 15 working days of the completion of the investigation.

#### External investigation

An external investigation must be completed and a final report submitted, within 90 working days of assigning a complaint to an external investigator, unless there are extenuating circumstances. The CAO or designate must submit a summary of the final report to the Chair and Vice-chair of the RRDSSAB with recommendations of appropriate remedies.

The CAO or designate must decide on appropriate remedies and notify the parties of the outcome of the external investigation within 30 working days of receiving the final report.

## Workplace Restoration

Supervisors/Managers must take appropriate steps to improve and/or restore work environments and work relationships affected by incidents or allegations of discrimination or harassment by employing workplace restoration strategies.

Supervisors/Managers must review workplaces affected by incidents or allegations of discrimination or harassment no later than six months after the conclusion of the complaint resolution process to determine whether additional workplace strategies should be engaged.

Workplace strategies can include, but are not limited to:

- Coaching and training;
- Healthy conflict resolution exercise;
- Team-building exercises;
- Communiques; and
- Organizational reviews.

## **Responsibilities**

### **Employees and Other Workers (where applicable)**

1. Comply with obligations under the Code, the Ontario Health and Safety Act, regulations, other relevant legislation, RRDSSAB policies & procedures that support an inclusive, respectful workplace free from discrimination and harassment.
2. Participate in education and awareness programs related to this policy.
3. Tell alleged offenders, when possible, about unwelcome conduct or actions perceived to be harassing or discriminatory, and ask the alleged offender to stop.
4. Report alleged policy violations they have witnessed or experienced to a management representative or HR.
5. Raise complaints under this policy within six (6) months of the alleged incident unless there are compelling and extenuating circumstances.
6. Follow the complaint filing protocols outlined under this policy, and advise the responsible Supervisor/Manager of related proceedings.
7. Cooperate fully and completely in the investigation of workplace discrimination or harassment.

8. Not threaten, intimidate or retaliate against another employee or worker for exercising a right under this policy or participating in an investigation or resolution approach.
9. Exercise rights under this policy in good faith.
10. Meet performance commitments associated with workplace discrimination and harassment prevention.

### **Supervisors/Managers**

1. Comply with obligations under the Code, the Ontario Health and Safety Act, regulations, other relevant legislation, RRDSSAB policies & procedures that support an inclusive, respectful workplace free from discrimination and harassment.
2. Demonstrate and, as appropriate, clarify the type of workplace behaviour expected under this policy.
3. Participate in mandatory education and/or training as outlined in this policy.
4. Ensure this policy is posted in a conspicuous place in the workplace.
5. Inform employees and other workers that discrimination and harassment will not be tolerated.
6. Inform employees and other workers of their rights and responsibilities under this policy, including ways in which incidents or allegations of discrimination and harassment can be resolved.
7. Advise members of the public, including visitors to RRDSSAB facilities or individuals conducting business with the RRDSSAB that they are expected to refrain from discrimination or harassment of employees, other workers, and other members of the public when appropriate.
8. Monitor and maintain awareness of potential discrimination or harassment issues in the workplace and take proactive steps to prevent or address these issues.
9. Provide reports to the CAO on complaints that are not resolved within nine months of completion of the preliminary assessment.

10. Manage the process for resolving allegations of discrimination, harassment or other policy violations as soon as becoming aware of them, whether or not a complaint has been written; consult with HR, the CAO or designate or the applicable Ontario Provincial Police (OPP) Office, as appropriate.
11. Take appropriate action to resolve complaints within the timeframes outlined under this policy.
12. Advise employees and other workers not to threaten or retaliate against a complainant, respondent or witness to a complaint if they become aware of an issue or complaint.
13. Not threaten, intimidate or retaliate against an employee or other worker for exercising a right under this policy or participating in an investigation or resolution approach.
14. Declare any potential conflict of interest in relation to an alleged violation of this policy when he or she may be perceived to be either condoning or directly involved with an alleged violation.
15. Cooperate fully and completely with HR, applicable Ontario Provincial Police offices, investigators and alternative dispute resolution service providers including making witnesses available, upon request, and maintaining the strict confidentiality of information related to the complaint or allegation in accordance with this policy.
16. Facilitate the restoration or improvement of workplaces disrupted by alleged policy violations, actual policy violations, or complaint resolutions.
17. Meet performance commitments associated with workplace discrimination and harassment prevention.

### **CAO or designate**

1. Provide leadership in fostering and sustaining inclusive, diverse, equitable, accessible and respectful workplaces free from discrimination and harassment through compliance with the CODE, the OHSAA and its regulations, other relevant legislation, this policy and other RRDSSAB policies & procedures.
2. Apply and monitor this policy and related policies and procedures.
3. In collaboration with the RRDSSAB Board, integrate discrimination and harassment prevention strategies into the organization by:

- Allocating funds and human resources to address discrimination and harassment issues;
  - Developing strategies, priorities and harassment prevention programs for the RRDSSAB Board consideration; and
  - Evaluating and reporting on the effectiveness of the RRDSSAB programs on discrimination and harassment prevention programs, as applicable.
4. Integrate discrimination and harassment prevention responsibilities in performance criteria for Supervisors/Managers and employees, and hold accountable Supervisors/Managers for implementing this policy.
  5. Ensure managers and employees and other workers receive information and instruction on this policy, including specific rights and responsibilities as outlined under this policy.
  6. Receive, review and act on reports arising from the policy, including internal and external investigations, Alternate dispute resolution or direct management intervention.
  7. Delegate appropriate authorities and responsibilities under this policy.
  8. Ensure that an annual review of this policy is completed.

### **RRDSSAB Board of Directors**

1. Comply with obligations under the Code, the Ontario Health and Safety Act (OHSA), regulations, other relevant legislation, RRDSSAB policies & procedures that support an inclusive, respectful workplace free from discrimination and harassment.
2. Conduct an annual review of this policy.
3. Support the CAO, management and employees in the administration of this policy.
4. Receive reports and advice on the effectiveness of the policy, programs, and investigations under this policy.
5. Ensure effective implementation of settlements, remedies and corrective actions.

## Procedure

1. If you believe that this policy has been violated, either impacting yourself or others, you should:
  - Tell the alleged offender and ask them to stop, when possible (i.e. if you feel safe and comfortable doing so); or
  - Bring the concern to the attention of the first level of management not involved in the complaint; or
  - Contact Human Resources to report the incident; and
  - Complete a record of complaint form.

(All incidents must be reported within six (6) months of the alleged incident taking place)

2. A Supervisor/Manager receiving a report of an alleged incident shall immediately:
  - Intervene to stop the unacceptable behaviour;
  - Contact HR to obtain advice and provide information necessary to conduct a preliminary assessment;
  - Determine the appropriate resolution option with advice from HR and in consultation with the CAO or designate; and
  - Protect the confidentiality of employees who raise allegations or file complaints under the policy.
3. HR upon receiving a report of an alleged incident shall immediately:
  - Contact the appropriate Supervisor/Manager responsible for supervision of the area of the alleged incident (if the Supervisor/Manager is involved in the complaint; the contact will be to the next level of management not involved in the complaint)
  - The Supervisor/Manager will then complete the steps as indicated in item 2 above.
  - Within fifteen (15) working days, HR in conjunction with the appropriate Supervisor/Manager will complete a preliminary assessment with a recommendation to proceed with direct management action, alternative dispute resolution or an investigation.
4. The CAO or designate will:
  - Receive the preliminary assessment and recommendation and select the resolution mechanism to pursue or provide an appropriate alternative course of action.

- If direct management action is determined it will be completed within 30 working days of completion of the preliminary assessment.
- If Alternative Dispute Resolution (ADR) is determined as the resolution mechanism it will be assigned to an ADR resource within 15 working days. The ADR must be completed within 30 working days of the assignment of the complaint, unless there are extenuating circumstances.
- If an internal/external investigation is to be completed it will be assigned to an internal or external resource within 15 working days.
- An internal investigation must be completed within 60 working days of assigning the complaint to an internal resource, unless there are extenuating circumstances.
- Following receipt of the internal investigation, the parties to the investigation must be notified in writing within 15 working days of the investigation of the outcome and any corrective action taken or that will be taken.
- An external investigation must be completed within 90 working days of assigning the complaint to an external investigator, unless there are extenuating circumstances.
- The CAO or designate will submit a summary of the final report to the Chair and Vice Chair of the RRDSSAB noting recommendations and remedies.
- The CAO or designate will notify the parties in writing of the outcome of the external investigation and any corrective action taken or that will be taken within 30 days of receiving the final report, unless there are extenuating circumstances.

## Definitions

***Accessibility for Ontarians with Disabilities Act, 2005:*** Ontario law intended to achieve accessibility for Ontarians with disabilities with respect to goods, services, facilities, accommodation, employment, buildings, structures and premises on or before January 1, 2025, by developing, implementing and enforcing accessibility standards.

**Annual Review:** review by the employer of its workplace harassment policy in compliance with section 32.0.1 of the OHS Act.

**Alternate Dispute Resolution:** interest-based resolution process where, through mutual agreement, parties attempt to resolve disputes using a variety of approaches facilitated by a neutral individual.

**CAO:** the Chief Administrative Officer of the Rainy River District Social Services Administration Board to whom the board has delegated all human resource management powers, duties or functions, including hiring and terminating.



**Complainant:** person who alleges that he or she is a victim of discrimination or harassment.

**Discrimination:** any practice or behaviour, whether intentional or not, which has a negative impact on an individual or group based on one or more of the prohibited grounds under the *Human Rights Code*, except where the conduct is permitted under the *Human Rights Code*. Discrimination may arise due to unequal treatment or from the same treatment which has an unequal effect on an individual or group protected from discrimination under the *Human Rights Code*.

**Diversity:** presence of a wide range of human qualities and attributes within a group or an organization including, but not limited to, age, gender, race, ethnicity, physical and intellectual ability, religion, sexual orientation, educational background, expertise, and experiences.

**Employee:** an employee of the Rainy River District Social Services Administration Board employed either directly or indirectly.

**Employer:** the Rainy River District Social Services Administration Board, a not for profit corporation defined by the *District Social Services Administration Boards Act, R.S.O. 1990, c D.15* and associated regulations, operating either directly or indirectly as an agent for another corporation as permitted under the Act or Regulations.

**Harassment:** engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome.

**Hate activity:** comment or actions against a person or group motivated by bias, prejudice or hate based on race, ancestry, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, marital status, family status, sexual orientation, gender identity, gender expression or any other similar factor. Includes, but is not limited to, hate crime, hate propaganda, advocating genocide, telephone/electronic communications promoting hate, and the public display of hate through any notice, sign, symbol, emblem.

**Ontario Human Rights Code, R.S.O. 1990, c.H.19:** Ontario law that protects persons from employment-related discrimination and harassment based on prohibited grounds and recognizes the dignity and worth of every person.

**Investigation:** thorough, systematic attempt to learn the facts about a complaint under this policy to determine whether the policy has been violated.

**Supervisor/Manager:** individual to whom human resource management powers, duties or functions have been delegated.

**Occupational Health and Safety Act R.S.O. 1990, c.0.1 and its regulations:** Ontario law that outlines legislative obligations to protect workers, roles and responsibilities for all parties, and penalties for unsafe working conditions and practices.

**Ontarians with Disabilities Act, 2001:** Ontario law that requires Ontario government ministries and public bodies to develop and make public annual accessibility plans that identify, remove and prevent barriers to accessibility in all aspects of the organization's operations including legislation, policies, programs, practices and services.

**Poisoned work environment:** negative, hostile or unpleasant workplace due to comments or conduct that tend to be harassing under the *OHSA*, or demean a group identified by one or more prohibited grounds under the *Code*, even if not directed at a specific individual. A poisoned work environment may result from a serious and single event, remark or action.

**Preliminary assessment:** an initial review of issues, allegations, or complaints under this policy to clarify details, consider whether there has been a potential policy violation, and determine appropriate resolution mechanisms or other actions.

**Prohibited (or protected) grounds:** personal attributes that are recognized as the targets of harassing and discriminatory actions under the *Code*.

**Respondent:** person alleged to have harassed or discriminated against the complainant.

**Sexual harassment:** course of comment or conduct based on sex or gender that is unwelcome or should be reasonably known to be unwelcome.

**Sexual solicitation and related reprisal:** solicitation or advance made by an employee in a position to confer, grant, or deny a benefit or advancement to another employee, where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome; or a reprisal or threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by an employee in a position to confer, grant or deny a benefit or advancement.

**Supervisor/Manager:** individual to whom human resource management powers, duties or functions have been delegated.

**Worker:** has the same meaning as defined in s.1 of *Occupational Health and Safety Act* and means "a person who performs work or supplies services for monetary compensation but does not include an inmate of a correctional institution or like institution or facility who participates inside the institution or facility in a work project or rehabilitation program."

**Workplace:** includes all offices, buildings, vehicles and other locations where staff members are required to be. The workplace environment extends to events such as seminars, conferences and social gatherings that are related to the workplace. Harassment, which occurs outside the workplace, but has repercussions in the workplace, may also be considered workplace harassment.

**Workplace Harassment:** engaging in a course of vexatious comment or conduct against a worker in the workplace that is known or ought reasonably to be known to be unwelcome; or workplace sexual harassment.

**Workplace Sexual Harassment:**

- a) engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome; or
- b) making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

**Workplace restoration:** promoting and/or restoring positive and respectful workplace relationships following a complaint of discrimination or harassment.